



09-22-04

2173 #  
Jew

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

**Stephen G. Perlman et al.**

Confirmation No. 2377

Serial No.: 09/818,175

Filed: March 26, 2001

For: **APPARATUS AND METHOD FOR  
SELECTING DATA**

Group Art Unit: 2173

Examiner: Shawn M. Becker

Date: September 21, 2004

INFORMATION DISCLOSURE STATEMENT

TO THE COMMISSIONER FOR PATENTS:

1. Pursuant to the duty of disclosure, documents listed on the accompanying Form PTO-1449 (or equivalent) are presented for the Examiner's consideration.
  - ☒ Copies of listed documents are enclosed. (37 CFR § 1.98(a))
  - ☐ Copies of listed U.S. patent documents are omitted because this application was filed after June 30, 2003 and is, thus, subject to image file wrapper processing. Copies of listed foreign patent documents and non-patent literature are enclosed.
  - ☐ Copies of the documents listed on sheet(s) \_\_\_\_\_ of Form PTO-1449 (or equivalent) are omitted because (1) they are already of record in U.S. Patent Application No. \_\_\_\_\_, filed \_\_\_\_\_, on which this application relies for an earlier filing date under 35 U.S.C. § 120; and (2) any information disclosure statement filed in the prosecution of Application No. \_\_\_\_\_, complies with 37 CFR §§ 1.98(a) through (c). (37 C.F.R. § 1.98(d))
2. ☒ The Examiner's attention is directed to copending U.S. Patent Application No. 09/791,474, filed February 22, 2001, and U.S. Patent Application No. 09/728,672, filed December 1, 2000. The Applicant is submitting herewith a copy of two Office Actions, mailed November 24, 2003, and February 13, 2004, which were received in Application Nos. 09/791,474 and 09/728,672, respectively.

09/23/2004 EAREGAY1 00000030 09818175

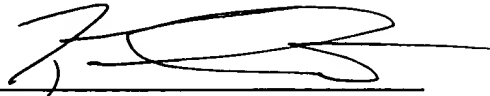
01 FC:1806

180.00 (R)


3. This information disclosure statement is being submitted (check box a., b., or c.):
- a. ☐ Within three months of the filing date of a national application or entry of the national stage in an international application; or before the mailing of a first Office action on the merits; or before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114. (No statement under 37 CFR 1.97(e) is required.); or
  - b. ☒ After the period set forth in paragraph 3a, but before the mailing date of either a final action, a notice of allowance, or an action that otherwise closes prosecution in the application. (Check box i. or ii.)
    - i. ☒ A \$180.00 information disclosure statement submission fee set forth in 37 CFR 1.17(p) is enclosed, or
    - ii. ☐ A statement specified by 37 CFR 1.97(e) is set forth below; or
  - c. ☐ After the mailing date of a final action or notice of allowance and on or before payment of the issue fee. A statement specified by 37 CFR 1.97(e) is set forth below. Enclosed is a \$180.00 information disclosure statement processing fee set forth in 37 CFR 1.17(p).
4. If a statement specified by 37 CFR 1.97(e) is required, the attorney or agent signing below hereby states that:
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
  - ☐ no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement.
5. ☐ A concise explanation of the relevance of each document not in the English language and/or selected documents in the English language is set forth below.

Respectfully submitted,

**Digeo, Inc.**

By   
Kory D. Christensen  
Registration No. 43,548

STOEL RIVES LLP  
One Utah Center Suite 1100  
201 S Main Street  
Salt Lake City, UT 84111-4904  
Telephone: (801) 328-3131  
Facsimile: (801) 578-6999  
Attorney Docket No. 50588/298

 <p><b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)</p>	Docket Number (Optional) <b>50588/298</b>	Application Number <b>09/818,175</b>
	Applicant(s) <b>Stephen G. Perlman et al.</b>	
	Filing Date <b>March 26, 2001</b>	Group Art Unit <b>2173</b>

U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A1	6,288,708 B1	09/11/01	Stringer	345	169	02/11/98
	A2	6,564,213 B1	05/13/03	Ortega et al.	707	5	04/18/00
	A3	6,637,028 B1	10/21/03	Voyticky et al.	725	42	12/29/99

U.S. PATENT APPLICATION PUBLICATIONS							
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
	B1	0 544 123 A2	02.06.93	EP	G06F	3/023		

OTHER DOCUMENTS		(Including Author, Title, Date, Pertinent Pages, Etc.)
	C1	Office Action mailed November 24, 2003, for Serial No. 09/791,474, filed February 22, 2001, entitled "Apparatus and Method for Selecting Data, 15 pgs.
	C2	Office Action mailed February 13, 2004, for Serial No. 09/728,672, filed December 1, 2000, entitled "Method and System to Save Context for Deferred Transaction Via Interactive Television, 19 pgs.

EXAMINER	DATE CONSIDERED
----------	-----------------

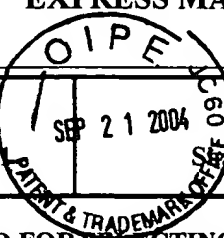
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Stephen G. Perlman et al.

Docket No.

50588/298

Application No.  
09/818,175Filing Date  
March 26, 2001Examiner  
John M. BeckerCustomer No.  
32641Group Art Unit  
2173Invention: **APPARATUS AND METHOD FOR SELECTING DATA**

I hereby certify that the following correspondence:

**Information Disclosure Statement (3 pgs.); PTO-1449 with copies of listed references; PTO-2038 Credit Card Payment Form in the amount of \$180.00; and postcard***(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

September 21, 2004*(Date)*Kory D. Christensen*(Typed or Printed Name of Person Mailing Correspondence)*

A handwritten signature in black ink, appearing to read "Kory D. Christensen", written over a horizontal line.

*(Signature of Person Mailing Correspondence)*ER620046657US*("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**